

HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 41009 of 2018

ORDER:

- 1) Heard learned counsel for the petitioner and Sri S.D.Goud, learned Standing Counsel for the third respondent-Corporation.
- 2) The present writ petition came to be filed seeking issuance of writ of mandamus declaring the final notice issued by the third respondent vide Rc.No.1286/ 2015/ G2 dated 29.10.2018 basing on memo No.2028/ 3/ 2018-M-SEC-MA&UD(M2) dated 03.08.2016, as illegal and arbitrary.
- 3) Though various ground are raised, the learned counsel for the petitioner would submit that the short collection pointed out by the audit team towards penalization charges, more particularly the averments in para No.6 of the counter namely the loss of revenue of Rs.66,66,700/- was due to non adherence of rules and improper adoption of rates specified for different types of built, are not furnished to the petitioner and as such suitable reply could not have been given to the show-cause notice.
- 4) Learned counsel for the third respondent would contend that since the petitioner has demolished the old structure and constructed a new structure, the rebate of 25% which would be entitled to in case of modification of old building, is not available to the petitioner. According to him, the petitioner has made a

false declaration in the application stating that old building is being altered.

5) Without going into the said aspect and having regard to the fact that the relevant material was not made available to the petitioner to make a suitable reply, the short collection particulars pointed out by the audit team and the rates specified for different types of built, be furnished to the petitioner within a period of one week from today, in which event, the petitioner shall submit his explanation within a period of one week thereafter. After considering the material placed, the authority concerned shall pass orders in accordance with law. Till such time, the authorities shall not take any coercive steps, more particularly, demolition of the building.

6) With the above direction, the writ petition is disposed of. Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed. There shall be no order as to costs.

JUSTICE C. PRAVEEN KUMAR

11.12.2018
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